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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,951	03/31/2004	R. Clark Jeffery	976-4/MBE	4889
38735	7590	02/23/2005	EXAMINER	
DIMOCK STRATTON LLP 20 QUEEN STREET WEST SUITE 3202, BOX 102 TORONTO, ON M5H 3R3 CANADA			KOYAMA, KUMIKO C	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/812,951	JEFFERY, R. CLARK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kumiko C. Koyama	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>061604</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-9 are objected to because of the following informalities:

Re claim 1, line 8: "the microprocessor appliance can generate a report" should be changed to --the microprocessor appliance generates a report--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markman (US 4,550,246) in view of Dolin, Jr. (US 5,519,878) and Hirata et al (JPO 10-164627).

Re claims 1-2: Markman discloses a plurality of labels each containing unique indicia (col 4 lines 17-20), a portable reader 70 for reading the indicia on the labels (col 7 lines 60-62, Fig 1), a digital computer that processes and stores data and associates the unique indicia read by the reader with corresponding information in the database (col 6 lines 24+ and col 7 lines 60-62). Markman also discloses that the labels are each associated with one of a plurality of articles and the processor can generate a report with information specific to the article associated with the labels read by the reader (col 6 lines

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24+). Markman teaches a report that determines a certain piece of equipment that may need repair (col 5 lines 53-61).

However, Markman fails to disclose that the articles are light fixtures and a repair task route based on the relative locations of the light fixtures.

Dolin teaches a bar code label each assigned a unique identifier and each relating a light fixture (col 4 lines 21-28 and col 12 lines 19-23). Dolin also teaches a bar code label each associated with a light fixture and by reading the bar code off the label determines the location of the light fixture (col 9 lines 66+)

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify Markman's teaching and assign a bar code label to a light fixture so that information regarding periodic maintenance and repairs of the light fixture are easily obtained in order to provide constant lighting and detect any malfunction that may be occurring. Also it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to have a report that comprises a repair task route based on the relative location of the light fixtures associated with the labels read by the reader in order to obtain a most efficient method and process to work on all the light fixtures that require repair.

Markman as modified by Dolin fails to teach that the report specifies a sequence of fixture maintenance based on the relative locations of the light fixtures.

Hirata teaches a planned inspection route that has an order of the plants that the plant inspector is to inspect. Hirata also teaches that the next plant to inspect is also determined.

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Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Hirata to the teachings of Markman as modified by Dolin in order to provide the best route to go through all the planned maintenance, so that the repair or maintenance person may take the fastest, smoothest, and most efficient route to finish all his work in a faster manner.

Re claim 3: Markman fails to teach that the report contains information relating to a circuit breaker controlling power to each light fixture associated with the labels read by the reader.

Dolin teaches switches 105-108 and when these switches are closed, the I/O circuitry 202 may detect the state change and pass the information along to the cell 201, which then transmits that information onto the communication medium 110. This controls certain lights and/or other devices that are present in the house 100 show in FIG. 1 (col 5 lines 37-44).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Dolin to the teachings of Markman and have a report that contains information relating to a circuit breaker controlling power to each light fixture associated with the labels read by the reader in order to quickly locate and utilize the circuit breaker in case of an emergency.

Re claim 4: Markman discloses that the portable reader comprises a bar code scanner (col 7 lines 60-62).

Re claim 9: Markman discloses that the type of articles is also entered as part of the article information (col 6 lines 16-17).

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4. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markman as modified by Dolin and Hirata as applied to claim 1 above, and further in view of Kirkeby et al (US 5,471,042). The teachings of Markman/Dolin/Hirata have been discussed above.

Markman/Dolin/Hirata fails to teach that the bar code scanner comprises a display and a keypad for manually entering information into the scanner.

Kirkeby discloses a handheld data entry terminal 10 that optically reads data-encoded symbols such as barcode symbols (col 3 lines 13-16). The handheld data entry terminal 10 includes a liquid crystal display 14 and a keypad 16.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Kirkeby to the teachings of Markman/Dolin/Hirata in order to manually update information regarding individual light fixture after each repair or maintenance and to confirm that the entered information is correctly entered.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Markman as modified by Dolin and Hirata as applied to claim 1 above, and further in view of Benson et al (US 5,635,693). The teachings of Markman/Dolin/Hirata have been discussed above.

Markman/Dolin/Hirata fails to teach that the information in the database includes repair history information for each light fixture.

Benson discloses a tag having identification for each vehicle and the information associated with the tag and the vehicle is stored into the central computer (col 3 lines

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66+, col 4 lines 45+). The computer includes information that contains the service records of the vehicle (col 11 lines 54-57, col 12 lines 48-51).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Benson to the teachings of Markman/Dolin/Hirata and include repair history information in the database in order to provide information concerning periodic maintenance and to prevent further malfunction, if more repair is needed.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Markman as modified by Dolin and Hirata as applied to claim 1 above, and further in view of Beller et al (US 5,602,377). The teachings of Markman/Dolin/Hirata have been discussed above.

Markman/Dolin/Hirata fails to teach that the information in the database includes warranty information for each light fixture.

Beller teaches that information in the database includes length of warranty period (col 9 lines 41-13).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Beller to the teachings of Markman/Dolin/Hirata and include warranty information in the database in order to constantly provide an operable light fixture.

7. Claims 10-11, 12, 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson in view of Dolin and Hirata.

Re claim 10 and 11: Benson discloses a method of tracking vehicles including reading the vehicle ID information from the RF tag (col 3, lines 67+; col 4, lines 1-6; col

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4, lines 50-52), which is reading an indicia on the labels. Benson also teaches one of many base stations capture the vehicle ID information and the information then relayed to the main computer (col 4, lines 33-36), which teaches storing information corresponding to the indicia and conveying the stored information corresponding to the indicia to a microprocessor appliance comprising database. The central computer includes status information, storage location, etc (col 4, lines 35-50). Benson also teaches generating a report with information specific associated with the labels read by the reader (col 7 lines 24-27).

Benson fails to teach that that each label is associated with a light fixture.

Dolin discloses a bar code label 39 that uniquely identifies a light fixture (col 4 lines 21-28, col 12 lines 19-23).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Dolin to the teachings of Benson and provide a label with a unique indicia associated with a light fixture so that information regarding periodic maintenance and repairs of the light fixture are easily obtained in order to provide a constant lighting.

Benson as modified by Dolin fails to teach that the report specifies a sequence of fixture maintenance based on the relative locations of the light fixtures.

Hirata teaches a planned inspection route that has an order of the plants that the plant inspector is to inspect. Hirata also teaches that the next plant to inspect is also determined.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Hirata to the teachings of



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Benson as modified by Dolin in order to provide the best route to go through all the planned maintenance, so that the repair or maintenance person may take the fastest, smoothest, and most efficient route to finish all his work in a faster manner.

Re claim 12: Benson fails to teach that the report contains information relating to a circuit breaker controlling power to each light fixture associated with the labels read by the reader.

Dolin teaches switches 105-108 and when these switches are closed, the I/O circuitry 202 may detect the state change and pass the information along to the cell 201, which then transmits that information onto the communication medium 110. This controls certain lights and/or other devices that are present in the house 100 show in FIG. 1 (col 5 lines 37-44).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Dolin to the teachings of Benson and have a report that contains information relating to a circuit breaker controlling power to each light fixture associated with the labels read by the reader in order to quickly locate and utilize the circuit breaker in case of an emergency.

Re claim 16: The computer includes information that contains the service records (col 11 lines 54-57, col 12 lines 48-51).

Re claim 18: Although Benson fails to particularly teach that the database or computer contains information on a fixture type of each light fixture, he discloses that the computer contains information model of a vehicle. One in ordinary skill in the art would recognize that a model of a vehicle would also automatically identify the type of a vehicle.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to contain information on a fixture type of each light fixture in the database in order to efficiently repair the light fixture by utilizing the appropriate tools for the certain light fixture type.

Re claim 19: Benson discloses that the information gathered by the base station (120) can be transferred among remote computers (140) and the main computer (130) via communication lines (145) (col 6 lines 53+).

8. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson as modified by Dolin and Hirata as applied to claim 11 above, and further in view of Kirkeby. The teachings of Benson/Dolin/Hirata have been discussed above.

Benson/Dolin/Hirata fails to teach that the reader is a bar code scanner, and the bar code scanner comprises a display and a keypad for manually entering information into the scanner.

Kirkeby discloses a handheld data entry terminal 10 that optically reads data-encoded symbols such as barcode symbols (col 3 lines 13-16). The handheld data entry terminal 10 includes a liquid crystal display 14 and a keypad 16.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Kirkeby to the teachings of Benson/Dolin/Hirata in order to manually update information regarding individual light fixture associated with the unique indicia after each repair or maintenance and to confirm that the entered information is correctly entered.

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9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benson as modified by Dolin as applied to claim 11 above, and further in view of Beller. The teachings of Benson as modified by Dolin have been discussed above.

Benson as modified by Dolin fails to teach that the information in the database includes warranty information for each light fixture.

Beller teaches that information in the database includes length of warranty period (col 9 lines 41-13).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Beller to the teachings of Markman as modified by Dolin and include warranty information in the database in order to constantly provide an operable light fixture.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kumiko C. Koyama  
February 22, 2005



DIANE I. LEE  
PRIMARY EXAMINER